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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/880,322

06/13/2001

Walter H. Runkis

5476

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MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER

FISHER, ABIGAIL L

ART UNIT

PAPER NUMBER

1616

MAIL DATE

DELIVERY MODE

06/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

09/880,322

Examiner

ABIGAIL FISHER

Applicant(s)

RUNKIS, WALTER H.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 05 March 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.21(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Mina Haghighatian/  
Primary Examiner

Legal Instruments Examiner (LIE), if applicable

Telephone No.

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

Continuation of 4(e) Other: In the reply filed on 12/15/05, the attorney docket number was indicated as being 4820-001. Claims 1-41 were indicated as being cancelled and claims 42-60 were added and those claims were pending. In the reply filed on 7/31/06, the attorney docket no. was indicated as 70074.001US01. Claims 1-41 were indicated as cancelled, claims 61-75 were added, and claims 42-75 were indicated as pending. In the reply filed on 3/5/08, the attorney docket number was indicated as being 31146-1. Claims 1-37 were indicated as cancelled, claim 56 was added, and Claims 38-56 are pending with claim 42 being withdrawn from consideration as being directed to a non-elected species. Firstly, it is unclear how claim 56 can be newly added if the previous claim set had claims 42-75 as pending. Secondly, claim 42 in the reply filed on 3/5/08 is directed to "the composition of claim 38, wherein the one or more sulfamic acid compounds are oil-soluble". However, in the reply filed 7/31/06 claim 42 is directed to a "method for correcting macronutrient and/or micronutrient deficiencies in a medium for growing plants which consists essentially of the steps of". The MPEP clearly indicates that reinstatement of previously canceled claims may only occur by adding the claim as a "new" claim with a new claim number (MPEP 714[R-6] (c) 5).